

# **EXHIBIT**

# **A**

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

PAULA MARTIN, SKYE MARTIN,  
CHEYENNE MARTIN, KAELEN TASSI,  
and CHRISTOPHER TASSI,

Plaintiffs,

vs.

No. \_\_\_\_\_ D-202-CV-2016-06977

DERICK WEEBOTHEE and GOVERNMENT  
EMPLOYEES INSURANCE COMPANY, a  
foreign corporation doing business in New Mexico,

Defendants.

**COMPLAINT FOR PUNITIVE DAMAGES**

COME NOW Plaintiffs, by and through their attorneys, Whitener Law Firm, P.A. (Richard W. Sutten, Esq.), and for their Complaint for Punitive Damages state:

1. At all times material hereto, Plaintiffs, Paula Martin, Skye Martin and Cheyenne Martin were residents of the City of Albuquerque, County of Bernalillo, State of New Mexico.
2. At all times material hereto, Plaintiffs, Christopher Tassi and Kaelan Tassi were residents of the City of Snohomish, County of Snohomish, State of Washington.
3. Upon information and belief, at all times material hereto, Derick Weebothee (“Weebothee”) was a resident of Bernalillo County, New Mexico.
4. Upon information and belief, at all times material hereto, Defendant, Government Employees Insurance Company (“Geico”) was a foreign corporation doing business in Bernalillo County, State of New Mexico.
5. The incident(s) referenced herein occurred on in the City of Albuquerque, County of

Bernalillo, State of New Mexico.

6. This court has jurisdiction over the parties and the subject matter herein, and venue is properly laid in Bernalillo County, New Mexico.

7. In the early morning hours of April 20, 2014, Plaintiff, Cheyenne Martin (“Cheyenne”) was driving a vehicle, owned by her brother Skye Martin, on Third Street, SW just south of Central Avenue in Albuquerque, New Mexico.

8. Cheyenne’s passengers were her brother Skye Martin, Skye’s wife Paula Martin and friends, Kaelan Tassi and her now-husband Christopher Tassi.

9. On the same date, at the approximate same time, William Tsethlikia was driving his vehicle west on Central Avenue, with several passengers including Weebothee.

10. Tsethlikia turned his vehicle south onto Third Street and collided with Plaintiffs’ vehicle.

11. After the impact, occupants of both vehicles exited their respective vehicles and Tsethlikia and Weebothee approached Plaintiffs and verbally and physically assaulted one or more Plaintiffs.

12. Thereafter, all occupants of Tsethlikia’s vehicle, including Weebothee, fled the scene on foot.

13. Upon information and belief, Tsethlikia was driving his vehicle while under the influence of drugs and/or alcohol.

14. The assault and battery of Plaintiffs, by Tsethlikia and Weebothee, was willful, wanton and reckless and gives rise to punitive damages.

15. Tsethlikia’s driving under the influence of intoxicating liquor and/or drugs was

willful, wonton and reckless and gives rise to punitive damages.

16. Plaintiffs received compensatory damages under Tsethlikia's liability insurance policy.

17. Plaintiffs received no compensation for punitive damages under Tsethlikia's liability insurance policy because punitive damages were excluded under the policy.

18. Plaintiffs have claims for punitive damages against Skye Martin's uninsured motorist automobile insurance policy with Geico.

19. As a direct and proximate result of Tsethlikia's and Weebothee's actions Plaintiffs sustained injuries and damages.

WHEREFORE, Plaintiffs respectfully requests a reasonable award of punitive damages in an amount to be proven at trial and such other and further relief as the Court deems just and proper.

Respectfully submitted,

**WHITENER LAW FIRM, P.A.**

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